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### REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1-6, 8-10, 12-15 and 17-19 have been revised. Support for the revisions can be found in, e.g., Fig. 5, and at page 7, line 20 to page 8, line 15 of the specification, among other places. Claims 1-6, 8-10, 12-15 and 17-19 remain pending in the application.

### Claim Rejections – 35 USC § 103

Claims 1-6, 8-10 and 12-15 are rejected under 35 USC 103(a) as being unpatentable over Ogura (JP 5-126792) in view of Bhullar et al. (US 6,780,296). Applicants respectfully traverse this rejection.

Claim 1 requires 1) a temperature detecting analytical device including a mounting portion that comprises a table having a projecting portion protruding from a housing of the temperature detecting analytical device, where a temperature detection unit of the temperature detecting analytical device is located on the projecting portion of the table, and 2) an analytical tool having a reagent portion. Claim 1 also requires that, when the analytical tool is mounted onto the mounting portion of the temperature detecting analytical device, the reagent portion be located above the projecting portion of the table that is outside the housing, and the temperature detection unit of the temperature detecting analytical device be located directly below the reagent portion of the analytical tool.

The positioning of the temperature detection unit is advantageous in that, e.g., it is located directly under the reagent portion and thus is in a position that is affected most significantly by variations of the reaction temperature. As a result, the detecting unit is capable of detecting a reaction temperature effectively and accurately (see page 3, lines 19 to 24 of the specification, among other places).

Ogura fails to teach or suggest 1) a temperature detecting analytical device including a mounting portion that comprises a table having a projecting portion protruding from a housing of the temperature detecting analytical device, where a temperature detection unit of the temperature detecting analytical device is located on the

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projecting portion of the table, and 2) an analytical tool having a reagent portion, as required by claim 1. Nor does Ogura teach or suggest that, when the analytical tool is mounted onto the mounting portion of the temperature detecting analytical device, the reagent portion is located above the projecting portion of the table that is outside the housing, as required by claim 1.

In fact, Ogura discusses a concentration measurement apparatus 1 that includes a commode 150, a retractable arm 151 and a connector 5, where the biosensor 100 is moved by the retractable arm 151 into the commode 150 to be doused [sic] with urine (see Ogura, Fig. 4, and paragraphs [0015] and [0028]). Ogura is completely silent as to a temperature detection unit that is located on a projecting portion of a table of a temperature detecting analytical device as required by claim 1.

Bhullar et al. do not remedy the deficiencies of Ogura. Bhullar et al. discuss a sensor strip 12 being inserted in a gap of a sensor instrument (see Bhullar et al., Fig. 6, col. 2, line 64 to col. 3, line 6). Nowhere do Bhullar et al. teach or suggest a temperature detecting analytical device including a mounting portion that comprises a table having a projecting portion protruding from a housing, where a temperature detection unit of the temperature detecting analytical device is located on the projecting portion of the table as required by claim 1. In fact, there is no table projecting from the sensor instrument in Bhullar et al. The temperature sensor 32 is located in the gap of the sensor instrument (see Fig. 6 of Bhullar et al.). It is the sensor strip 12 that projects out from the sensor instrument in Bhullar et al., rather than a table of a temperature detecting analytical device required by claim 1.

The rejection contends that it would be obvious to one having ordinary skill in the art to integrate the sensor strip 12 in Bhullar et al. into the sensor instrument forming one housing unit thus creating a mounting portion, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. However, claim 1 in fact requires an analytical tool and a mounting portion of a temperature detecting analytical device, while Bhullar et al. merely discuss the sensor strip 12. There is no reasonable basis for asserting that the sensor strip

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12 of Bhullar et al. suggests both the analytical tool and the mounting portion of the temperature detecting analytical device, as the rejection requires to meet claim 1.

Moreover, as indicated at page 4, second full paragraph of the Office Action mailed May 12, 2008, the rejection appears to concede that Bhullar et al. fail to teach that, when the analytical tool is mounted onto the mounting portion of the temperature detecting analytical device, the temperature detection unit of the temperature detecting analytical device is located directly below the reagent portion of the analytical tool, as required by claim 1. Ogura does not remedy the deficiencies of Bhullar et al.

The rejection contends that it would be obvious to one having ordinary skill in the art to modify Ogura with a reagent portion as taught by Bhullar et al. placing the temperature sensor directly below the reagent portion of the analytical tool to ensure a more accurate temperature reading of said sample. However, Ogura merely discusses the retractable arm 151 moving the biosensor 100 into the commode 150 for measuring (see Ogura, Fig. 4, and paragraph {0028}). Bhullar et al. discuss a sensor strip 12 being inserted in a gap of a sensor instrument, where a temperature sensor 32 at the gap inside the sensor instrument measures the reaction temperature (see Bhullar et al., Fig. 6, col. 2, line 64 to col. 3, line 6). There is nothing in the present record teaching or suggesting any motivation to position a temperature detection unit directly below a reagent portion, much less positioning the temperature detection unit and the reagent portion in a manner required by claim 1, i.e., positioning the temperature detection unit of the temperature detecting analytical device below the reagent portion of the analytical tool mounted onto the projecting portion.

For at least these reasons, claim 1 is patentable over Ogura in view of Bhullar et al. Claims 2-6, 8-10 and 12-15 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claims 17-19 are rejected under 35 USC 103(a) as being unpatentable over Ogura in view of Bhullar et al., further in view of Nankai et al. (US 5,320,732). Applicants respectfully traverse this rejection. Claims 17-19 ultimately depend from claim 1 and are

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patentable over Ogura in view of Bhullar et al., further in view of Nankai et al. for at least the same reasons discussed above regarding claims 1-6, 8-10 and 12-15. Nankai et al. do not remedy the deficiencies of Ogura and Bhullar et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.



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Dated: November 6, 2008

By:

A handwritten signature in black ink, appearing to be "Douglas P. Mueller", written over a horizontal line.

Douglas P. Mueller  
Reg. No. 30,300

DPM/cy